

## **902 KAR 20:390. Paid feeding assistants.**

RELATES TO: KRS 194A.050, 216.532, 216.789, 216.936, 216B.040, 314.011(5), (9), 42 C.F.R. 483.75(q), 483.160, 488.301

STATUTORY AUTHORITY: KRS 194A.050(1), 216B.042(1), 216B.075, 42 C.F.R. 483.35(h)

NECESSITY, FUNCTION AND CONFORMITY: KRS 216B.042(1) requires the Cabinet for Health and Family Services to establish licensure standards to ensure safe, adequate, and efficient health care facilities. KRS 216B.075 requires the cabinet to promulgate administrative regulations respecting application and review procedures to comply with any federal laws and regulations promulgated thereunder. 42 C.F.R. 483.35(h) authorizes the state agency to develop an approved training and practical skills program that establishes standards for paid feeding assistants and mandates supervision by a registered nurse or licensed practical nurse. This administrative regulation establishes certification requirements for the employment of paid feeding assistants in licensed nursing facilities and skilled nursing facilities to assist residents who only need encouragement or minimal assistance during mealtime.

Section 1. Definitions. (1) "Complicated feeding problem" means a condition that requires supervision and assistance by a licensed nurse or certified nurse aide and includes:

- (a) Difficulty with swallowing;
- (b) Recurrent lung aspiration;
- (c) Assistance through tube or parenteral/IV feedings; or
- (d) Any other condition requiring the assistance of a licensed nurse or a certified nurse aide.

(2) "Licensed practical nurse" is defined by KRS 314.011(9).

(3) "Nursing facility" means a facility that is licensed under 902 KAR 20:300.

(4) "Paid feeding assistant" means a person who has completed the training and received a satisfactory score on the examination required by this administrative regulation and is employed or contracted by a nursing facility or skilled nursing facility to provide feeding assistance to a resident who does not have a complicated feeding problem.

(5) "Registered nurse" is defined by KRS 314.011(5).

(6) "Skilled nursing facility" means a facility that is licensed under 902 KAR 20:026.

Section 2. Use of a Paid Feeding Assistant. (1) A licensed nursing facility or skilled nursing facility may employ a paid feeding assistant on a full- or part-time basis to assist with feeding a resident who shall:

(a) Not have a complicated feeding problem; and

(b) Be approved to receive the assistance based on the charge nurse's assessment and the most recent resident assessment and plan of care.

(2) A paid feeding assistant shall:

(a) Have successfully completed the training established in Section 3 of this administrative regulation;

(b) Have received orientation from the facility employing the paid feeding assistant that covers the following facility-specific areas:

- 1. Confidentiality of resident care and records;
  - 2. Monitoring resident nutrition intake and output;
  - 3. Emergency procedures;
  - 4. Specific needs of the resident who will be assisted;
  - 5. Use of the facility's emergency call system; and
  - 6. Laws pertaining to resident abuse, neglect, and exploitation of a resident's property;
- (c) Work under the supervision of a registered nurse or licensed practical nurse; and

(d) Not be employed if employment is prohibited by KRS 216.532, 216.936, or 216.789.

(3) In a medical emergency involving a resident who is being assisted by a paid feeding assistant, the paid feeding assistant shall immediately utilize the resident call system to summon the assistance of a supervisory nurse.

(4) Before a facility employs a paid feeding assistant who received training from another individual or entity, the facility shall:

(a) Contact the individual or entity that provided the training and document verification that the feeding assistant successfully completed the training required by Section 3 of this administrative regulation;

(b) Require the feeding assistant to retake and successfully pass the written and skills competency test; and

(c) Issue the feeding assistant a new certificate of training.

(5) The facility shall maintain a current list of residents who are approved to receive feeding assistance from a paid feeding assistant.

(6) A feeding assistant who is seeking employment and who has not been employed during the prior two (2) years as a paid feeding assistant shall be required to repeat and successfully complete the training and pass the examination before assisting a resident with feeding.

(7) A facility shall provide quarterly in-service training for paid feeding assistants concerning:

(a) Amendments to this administrative regulation; and

(b) Changes in pertinent facility policies and procedures.

Section 3. Training Program. (1) A paid feeding assistant shall receive a minimum of eight (8) hours training in the current version of the curriculum published by the Cabinet for Health and Family Services, Office of Inspector General, entitled "Kentucky Paid Feeding Assistant Manual".

(2) Review of all curriculum material, a score of seventy-five (75) percent or greater on the written examination, and a score of 100 percent on the skills competency test established in the curriculum shall be required to successfully complete the paid feeding assistant training.

(3) The training shall include information on:

(a) Feeding techniques;

(b) Assistance with feeding and hydration;

(c) Communication and interpersonal skills;

(d) Appropriate responses to resident behavior;

(e) Safety and emergency procedures, including the Heimlich maneuver;

(f) Infection control;

(g) Resident rights; and

(h) Recognition of changes in the condition of a resident which are inconsistent with the resident's normal behavior and the importance of reporting changes to a supervisory nurse.

(4) The training shall be conducted by:

(a) A registered nurse; or

(b) A licensed practical nurse working under the supervision of a registered nurse.

(5) Before conducting paid feeding assistant training, the nurse shall:

(a) Read the "Kentucky Paid Feeding Assistant Manual";

(b) Complete the instructor assessment in Section 15 of the "Kentucky Paid Feeding Assistant Manual"; and

(c) Complete the instructor attestation form in Section 15 of the "Kentucky Paid Feeding Assistant Manual".

(6) A person who has successfully completed training and passed the examination shall be issued a certificate of training as established in Section 15 of the "Kentucky Paid Feeding As-

sistant Manual".

(7) A facility shall maintain a record of training and certification for all persons employed by the facility as paid feeding assistants.

(a) The documentation shall include:

1. Name and Social Security number of the person trained;
2. Name of the person who conducted the training;
3. Test scores of the written and skills competency tests;
4. Date of training;
5. Duration of training;
6. Location of training; and
7. Documentation of the successful completion of the training course for paid feeding assistants.

(b) A complete and accurate copy of the training and certification records pertaining to each paid feeding assistant employed by the facility shall be maintained on site and be available for inspection by representatives from the Office of Inspector General, and shall be maintained for at least three (3) years following the last day of the paid feeding assistant's employment.

Section 4. Incorporation by Reference. (1) "Kentucky Paid Feeding Assistant Manual", April 2004 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Inspector General, 275 East Main Street, 5E-A, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. to 4:30 p.m. (33 Ky.R. 259; 820; 1089; eff. 10-18-2006; Crt eff. 4-30-2019.)